

**COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 05-CI-459**

**COMMONWEALTH OF KENTUCKY,
OFFICE OF ATTORNEY GENERAL
*Ex Rel. Gregorgy D. Stumbo, in his official
capacity***

PLAINTIFF

v.

**BOARD OF DIRECTORS FOR THE
COMMONWEALTH POSTSECONDARY
EDUCATION PREPAID TUITION TRUST
FUND, et al**

DEFENDANTS

**MOTION OF RUSSELL BARNETT
AND DAVID M. WARD FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Come now Russell A. Barnett (1033 Frankfort Road, Lawrenceburg, Kentucky 40342) individually and as parent and next friend of Clayton Barnett (age 8) and Kyle Barnett (age 6); and David M. Ward (125 S. Main St., P.O. Box 578, Winchester, Kentucky 40392), individually and as parent and next friend of Jane Anne Ward (age 9), and petition this Court for leave to file the attached *amicus curiae* brief in support of the relief requested by the Attorney General in this matter. As grounds for this motion, petitioners state that they are parents of children who are enrolled in the KAPT (Kentucky's Affordable Prepaid Tuition) program, that they invested their money in the KAPT program on behalf of their children in reliance on the legislation set forth at KRS 164A.700 through 164A.709, and the contractual commitment by the Commonwealth of Kentucky to provide adequate collateral to secure the promised tuition benefits for their

children in exchange for the investments required under the contract and KAPT program. Petitioners respectfully submit that an explanation of the interests of parents and children who are enrolled in the program, but who are not directly represented by any of the parties herein, should be helpful to the Court in deciding these issues. Accordingly, the petitioners request that this Court allow the filing of their memorandum of law that is tendered herewith.

Respectfully submitted,

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